

Falls Church, Virginia 22041

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File: D2003-273

Date: FEB 18 2004

In re: TODD NORMAN OSTERGARD, ATTORNEY

IN PRACTITIONER DISCIPLINARY PROCEEDINGS

PETITION FOR IMMEDIATE SUSPENSION

ON BEHALF OF GENERAL COUNSEL: Jennifer J. Barnes, Esquire

ON BEHALF OF DHS: Eileen M. Connolly, Appellate Counsel

ORDER:

PER CURIAM. On October 16, 2003 (effective 30 days from the date of the order), the respondent was suspended from the practice of law for 90 days, subject to other conditions, by the Supreme Court of Florida. The respondent was also ordered to pay an administrative fee of \$750. The Court approved the respondent's unconditional guilty plea and consent judgment for violation of Rule 4-8.4(b) of the Rules of Professional Conduct, for committing a criminal act that reflects adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer in other respects; to wit, driving under the influence and possession of cocaine.

Consequently, on January 28, 2004, the Office of General Counsel for the Executive Office for Immigration Review petitioned for the respondent's immediate suspension from practice before the Board of Immigration Appeals and the Immigration Courts. On February 2, 2004, the Department of Homeland Security (the "DHS," formerly the Immigration and Naturalization Service) asked that the respondent be similarly suspended from practice before that agency.

The petition is granted, and the respondent is hereby suspended, absent a showing of good cause, from the practice of law before the Board, the Immigration Courts, and the DHS pending final disposition of this proceeding. *See* 8 C.F.R. § 1003.103(a).<sup>1</sup>

Accordingly, the respondent is directed to promptly notify, in writing, any clients with cases currently pending before the Board, the Immigration Courts, and the DHS, that the respondent has been suspended from practicing before these bodies. The respondent shall maintain records to evidence compliance with

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<sup>1</sup>Regulations relating to the Executive Office for Immigration Review, found in title 8 of the Code of Federal Regulations, were reorganized on February 28, 2003, due to the Homeland Security Act of 2002. *See* 68 FR 9824 (February 28, 2003). There was no substantive changes made to the regulations. *Id.* at 9825. Until February 28, 2003, 8 C.F.R. § 1003.103(a) was found at 8 C.F.R. § 3.103(a).

this order. Moreover, we direct that the contents of this notice be made available to the public, including at Immigration Courts and appropriate offices of the DHS.



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FOR THE BOARD